

GENERAL INFORMATION

Applicant:	Gregory Pietig
Location:	8100 Pillsbury Avenue South
Request:	<ol style="list-style-type: none">1) Variance to reduce the minimum landscape yard on the north property line from 20 feet to 10 feet (Withdrawn by applicant);2) Variance to reduce the minimum landscape yard for internal property lines from five feet to zero feet (Withdrawn by applicant);3) Variance to remove the minimum lighting requirement for the exterior storage lot (Withdrawn by applicant); and4) Conditional use permit for outdoor storage as a primary use
Existing Land Use and Zoning:	Vacant Lot; zoned I-3, General Industrial
Surrounding Land Use and Zoning:	North, South, and West – Industrial/office/manufacturing; zoned I-3; East – Single-family residential; zoned R-1
Comprehensive Plan Designation:	Industrial

HISTORY

City Council Action:	03/16/98 – Approved a one-year temporary conditional use permit for the outdoor storage of construction equipment (Case 10378A-97).
City Council Action:	04/05/99 – Approved a three-year temporary conditional use permit for the outdoor storage of construction (Case 10378A-99).
City Council Action:	07/01/02 – Approved a three-year temporary conditional use permit for the outdoor storage of construction (Case 10378A-02).

City Council Action: 09/26/05 – Approved a three-year interim use permit for the outdoor storage of construction equipment (Case 10378A-05).

City Council Action: 09/22/08 – Approved a five-year interim use permit for the outdoor storage of construction equipment (Case 10378A-08).

City Council Action: 07/09/12 – Approved a three-year interim use permit for the storage of construction trucks and equipment (Case 10378A-12).

CHRONOLOGY

Planning Commission	05/05/2016	Item continued to June 16, 2016
Planning Commission	06/16/2016	Planning Commission meeting
Planning Commission	07/07/2016	Item continued to July 7, 2016
Planning Commission	07/07/2016	Planning Commission meeting
City Council	07/25/2016	Public hearing scheduled
		Tentative meeting date

DEADLINE FOR AGENCY ACTION

Application Date:	03/30/2016
60 Days:	05/29/2016
120 Days:	07/28/2016
Applicable Deadline:	09/13/2016 (Extended by applicant)
Newspaper Notification:	Confirmed – (04/21/2016 Sun Current – 10 day notice)
Direct Mail Notification:	Confirmed – (500 foot buffer – 10 day notice)

STAFF CONTACT

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PROPOSAL

The applicant requests a conditional use permit for outdoor storage of construction trucks, trailers and equipment as the primary use at 8100 Pillsbury Avenue. The lot is located behind an existing 10-foot high fence along Pillsbury Avenue and a six-foot fence along West 81st Street. The fences were constructed pursuant to temporary conditional use permit conditions of approval for open storage approved in 1998. The site had a dilapidated 1,707 square foot office/warehouse on the property until 2005.

The parking and storage area is accessible from the gravel alley off West 81st Street. The storage area is currently sand and gravel. There is a 20-foot landscaped front yard along Pillsbury and a 10-foot landscape front yard along West 81st Street. The applicant originally requested three variances to allow existing non-conformities to be made permanent: 1) to reduce the minimum landscape yard on the north property line (W. 81st St.) from 20 feet to 10 feet; 2) to reduce the minimum landscape yard for internal property lines from five feet to zero feet; and 3) to remove the minimum lighting requirement for the storage lot. The applicant has subsequently withdrawn the three variances; the remaining application is for a conditional use permit

ANALYSIS

Land Use

Permanent outdoor storage as a primary use is allowed in the I-3 Zoning District through approval of a conditional use permit. Permanent outdoor storage requires code complying upgrades including stormwater management meeting current requirements, paving or concrete, curb and gutter, landscaping, lighting and screening. By past practice, where it is clear that the use is truly temporary in nature, open storage has been allowed to establish or continue for short periods of time through temporary conditional use permit and interim use permits (IUP) without full Code compliance related to stormwater, paving, landscaping, lighting, and screening, except where required by condition of approval.

The IUP process allows temporary use of the property, but the intent is to bring the property up to full-compliance at the end of the defined IUP term or for the temporary use to cease at the end of the term. Historically, after the first term IUP term, the City has been requiring applicants to either cease the use, come up to Code, adopt improvement plans to bring open storage sites into compliance with those Codes during the second IUP term, or apply for variances.

The applicant received a third IUP approval in 2012. Included in the meeting materials are the historical City Council meeting minutes and the Letter of Transmittal for Case 10378A-12. Noteworthy are conditions of approval #1 and #2, which read:

- 1. The applicant must submit a phased improvement plan for approval by the Planning Manager. The phased improvement plan must provide for full Code compliance and include Final Site and Building Plan application and approval.*
- 2. The Code complying improvements be constructed by August 24, 2014.*

The applicant has recently submitted a 2-phase improvement plan to bring the site into conformance by spring 2018. The phasing plan sheets, which are included in the packet materials, include:

Phase 1 improvements – to be completed by May 15, 2017:

- Concrete perimeter curbing
- 10-foot opaque fence along W. 81st Street
- Interior storage fences
- Asphalt driveways and gates – subject to further City review and approval
- Landscaping
- Lighting

Phase 2 improvements: to be completed by May 15, 2018:

- Stormwater management system
- Concrete storage lot surface

Generally, staff has been supportive of reasonably-phased improvements for exterior storage lots. Should the CUP be approved by City Council, all Code-required improvements would be completed in less than two years. Curbing, screening, and landscaping would be installed next spring. Staff would not support any longer than a two-year improvement phase-in given the lack of compliance with previous conditions requiring the improvements.

Code Compliance

Table 1 identifies City Code requirements related to exterior storage, the applicant's proposal, and whether or not the proposal is consistent with City Code. Additional information regarding specific components of the plan are in the sections that follow the table.

Table 1: City Code Requirements for Exterior Storage

Standard	Code Requirement	Proposal	Standard Met?
Surface – Section 21.301.06(c)(2)(D)	Paved with concrete or asphalt	Paved lot	Standard met after phase-in
Curbing – Section 21.301.06(c)(2)(E)	Poured-in-place concrete curb along perimeter	Concrete perimeter curb	Standard met after phase-in

Parking setback (along street – Section 21.301.06(c)(2)(I))	20 ft.	20 ft. along Pillsbury and W. 81 st St.	Standard met after phase-in
Screening – Section 19.52(d)(1)(D)	Screening required along any property that directly abuts residentially zoned or guided property	10-foot screen proposed along Pillsbury Ave. and E. 81 st St.; no screen provided along south property line	Standard not met – revision required
Parking setback (interior yards) – Section 21.301.06	5 ft.	0 ft.	Standard met after phase-in
Trees – Section 19.52	5 trees	6 trees	Standard met after phase-in
Shrubs – Section 19.52	13 shrubs	14 shrubs	Standard met after phase-in
Lighting – Section 21.301.07(c)(13)	1.0 footcandle when lot is unsecured	Portion of site includes 1.0 footcandle	Standard not met – revision required

Landscaping, Screening and Lighting

Given the parcel's size, 5 trees and 13 shrubs are required by Code. The applicant proposes 6 trees and 14 shrubs, which meets the Code requirement. All plantings would be located within the east and north landscape yards due to the alley access.

The applicant's property is zoned I-3, General Industrial and is in a transitional area. It is across the street from single family residential dwellings that are zoned R-1, Single Family Residential. The two land uses are incompatible and the site conditions should emphasize continued protection from the industrial use impacts for the single-family homes through screening. In this particular location, continued alley access is the most palatable option. Existing screening is a mix of six-foot and 10-foot fencing. All existing fencing would be removed and two sides of the site (east and north) would be screened with a 10-foot fully opaque fence. No screening is proposed along the south side, which does not meet screening requirements. The building to the south of the site is setback approximately two feet from the side property line. Along with five-foot side yard on the north side, there would be a seven-foot screening gap. Staff recommends a condition requiring a six foot tall screening fence extend along the south property line 45 feet west of the 10 foot tall screen fence screen fence along Pillsbury Avenue. The south side screen fence will eliminate a view corridor into the storage yard from the residentially zoned land across the street and guard against a scenario in which the building to the south is removed. Thereby making the storage lot much more visible to the residences to the east.

Unsecured storage lots require a minimum 1.0 footcandle maintained to provide minimum security. Secured storage lots do not require exterior lighting. A two-fixture, 20 foot high pole is

proposed on the eastern side of the site. While a portion of the site would meet Code requirements, some adjustments are necessary. Increasing the height to the City Code maximum 28 feet may provide Code complying lighting. In addition, to minimize the impact on the adjoining residential properties and enhance security, the proposed LED light should have an occupancy sensor to dim the lights when the lot is not occupied. A condition on lighting is proposed.

Access, Circulation, and Parking

The west side, where the alley access is located, would not be screened and remain open. Although not part of this application, the applicant may wish to fully enclose the lot and add access gates along Pillsbury Avenue and W. 81st Street where there are remnant curb cuts. Staff is not supportive of an access for construction equipment directly across the street from single-family properties. As a condition, the curb cuts must be removed along Pillsbury Avenue and no access from Pillsbury would be permitted. There may be merit to a West 81st Street access subject to approval of the City Engineer if the west, alley side access were closed.

As an outdoor storage lot without any office or warehouse structure, the required parking is one space for each 2,500 square feet of storage area. Therefore, if the conditional use permit is approved, area for four parking spaces must be designated on the plan.

Stormwater Management

The applicant proposes to meet stormwater requirements by installing two underground stormwater chambers to be located on the north and west sides of the property. To date, the applicant has not provided stormwater calculations that meet the City's Comprehensive Surface Water Management Plan requirements for rate, water quality, and volume reduction. In addition, the site is located within Nine Mile Creek Watershed District, which has a separate approval and permitting process. Prior to issuance of City permits, the applicant must provide a stormwater management plan that meets the requirements of the City's Comprehensive Surface Water Management Plan, as well as provide copies of the Nine Mile Creek Watershed District approval and permit.

Status of Enforcement Orders

There are currently enforcement orders for this property related to exterior storage as the most recent interim use permit has expired. The use was also in violation of past conditions of approval since August of 2014. The outcome of this conditional use permit application will determine ongoing enforcement action.

FINDINGS

Section 21.501.04(e)(1-5) Conditional Use Permits

- (1) The proposed use is not in conflict with the Comprehensive Plan;**
 - The Comprehensive Plan designates the property for Industrial land use, which allows open storage as a conditional use. Open storage is consistent with the Comprehensive Plan's Industrial designation.
- (2) The proposed use is not in conflict with any adopted District Plan for the area;**
 - The property is not in a location with an adopted district plan.
- (3) The proposed use is not in conflict with City Code provisions;**
 - Open storage is a conditional use in the I-3 zoning district. Once all conditions of approval are satisfied, the proposed use would be consistent with City Code provisions.
- (4) The proposed use will not create an excessive burden on parks, schools, streets, and other public facilities and utilities which serve or are proposed to serve the planned development; and**
 - The proposed open storage lot has existed for many years as a temporary use. Subject to compliance with the City Code, is not anticipated to create an excessive burden on public facilities and utilities.
- (5) The proposed use will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare.**
 - An open storage lot is inconsistent with the surrounding neighborhood, which is a transitional area between industrial and residential uses. Although the use has existed for many years, continuing a non-Code complying temporary use on a permanent basis would be injurious to the surrounding neighborhood. The applicant is proposing to make the necessary site improvements to accommodate open storage as a primary, permanent use.

RECOMMENDATION

Staff recommends the following motion:

In Case PL2016-50, having been able to make the required findings, I recommend the City Council adopt a resolution to approve the conditional use permit for outdoor storage as a primary use at 8100 Pillsbury Avenue South subject to the conditions of approval and Code requirements included in the meeting packet.